

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and the following remarks. Claims 122-161 were previously pending in the application. Claims 122, 135, 136, 142, 148, 149, 155 and 161 are independent claims. Applicants have added claim 162 to further clarify distinctions between the instant invention and cited reference. Applicants submit that support for new claim 162 may be found throughout the specification, for example see Fig. 5 and the corresponding description starting on page 34, line 4. Accordingly, Applicants submits no new matter has been added by way of this amendment.

Rejections under 35 USC § 103

Claims 122-161 have been rejected under 35 U.S.C. § 103(a), in view of US Patent Number 5,136,501 to Silverman (“Silverman”), and various instances of Official Notice. Applicants traverse the various instances of Official Notice asserted in the Office Action and explicitly reserve the right to address each individually at a later time should the need arise. Furthermore, Applicants respectfully submit the trading/exchange system discussed in the cited reference is not analogous to the systems or methods recited in the pending claims and the cited reference fails to disclose or suggest each of the limitations of the pending claims, alone or in view of the traversed instances of Official Notice.

Applicants respectfully submit that the claimed systems and method, reciting receiving a customer conditional purchase offer for goods or services wherein the customer identifies a goods or service subject, are patentably distinct from the cited reference and the instances of traversed Official Notice from the pending Office Action.

Applicants submit that Silverman's securities exchange/trading system merely matches buyers' market-based bids and sellers' offers. However, Silverman's system does not manage or process customers' conditional purchase offers, as recited in the claims. Instead, Silverman's bid exchange/trading system generates and displays current trading market characteristics to a trader, so that the trader may determine whether or not to submit a bid. Specifically, Silverman discusses, "[p]referably, the prices are displayed together with the quantity bid or offered at the specified price so that the trader at the keystation can observe the market activity." (See, Silverman, Col. 6, lines 57-60). Accordingly, in Silverman's system, "[b]y observing the market activity, the trader can decide whether to enter a bid, or enter an offer into the market...." (See, Silverman, Col. 6, lines 61-63). In contrast to Silverman's trading market-based bid exchange, the claimed invention involves a customer's conditional purchase offer that is based on a customer determining a subject of goods/services, a condition and an offer price. As such, Silverman's system of exchanging bids is fundamentally different from receiving and processing conditional purchase offers as recited in the pending claims.

Further, new independent claim 162 recites, *inter alia*:

A system comprising...a processor in communication with said storage device, said processor operative with said program to...

receive a customer conditional purchase offer for goods or services wherein the customer identifies a goods or services subject type and at least one purchase condition further refining the subject type of the good or service to be purchased, and an offer price....

Applicants submit that Silverman does not teach, disclose or suggest receiving a customer conditional purchase offer, as claimed. More specifically, Applicants submit that Silverman does not teach, disclose or suggest, "receiving a conditional purchase offer wherein the customer identifies a goods or services subject type and at least one purchase condition further

refining the subject type of the good or service to be purchased, and an offer price"(emphasis added), as recited in independent claim 162.

The Examiner alleges, "Silverman discloses a system ...[configured to] receive a selection of a subset of goods or services from a customer utilizing the network (col. 6, lines 34-46, 61-63). A buyer enters details regarding a trade offer that he/she is willing to make, based upon an acceptable price, quantity, etc.);..." (See, Office Action, page 4, ¶ 4-6). However, Applicants submit that the cited passages (Silverman, Col. 6, lines 34-46, 61-63) discuss facilitating an exchange/trading system for market-based bids, wherein the system attempts to match certain bid parameters, such as price or quantity. Applicants submit that the cited passages do not teach, disclose or suggest a system configured to receive a customer determined good/services subject, or a conditional purchase offer for goods/services related to the subject. Furthermore, Applicants submit that the traversed instances of Official Notice do not remedy the deficiencies discussed identified in Silverman, with regard to the pending independent claims.

By way of example only, Applicants submit that the claimed system may be configured to:

1. "receive a customer conditional purchase offer for goods or services wherein the customer identifies a goods or services subject type and at least one purchase condition further refining the subject type of the good or service to be purchased, and an offer price," as recited in new independent claim 162; or
2. "receive a selection of a subject of goods or services from a customer" or a "conditional purchase offer," as recited in independent claim 122.

Applicants submit the claimed systems and methods for receiving a goods/services subject and a conditional purchase offer as recited in the claims are not taught, suggested, disclosed or rendered obvious by Silverman's market-based bid trading/exchange system alone or in combination with the various traversed instances of Official Notice in the Office Action.

CONCLUSION

Accordingly, Applicants submit the claimed invention recited in new independent claim 162 is patentably distinct from the cited reference alone, or in combination with the traversed instances of Official Notice for at least the reasons discussed herein, among others. Further, Applicants submit that independent claims 122, 135, 136, 142, 148, 149, 155 and claim 161 are also patentably distinct from the cited references for at least similar reasons, among others. Applicants submit claims 123-134, 137-141, 143-147, 150-154 and 156-160, which are directly or indirectly dependent on independent claims 122, 136, 142, 149 and 155 respectively, are also distinguishable from the cited reference and traversed instances of Official Notice for at least similar reasons. Accordingly, Applicants request withdrawal of this ground of rejections.

Applicants submit, the reference cited and/or any official notice taken by the office action do not result in the claimed invention, there was/is no motivation for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, the Applicants respectfully submit that the supporting remarks and claimed inventions, claims 122-162, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference and the traversed Official Notice and are in a condition for allowance. Furthermore, Applicants believe that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements were not discussed, Applicants do not concede that any such elements are found in the prior art and/or within any official notice taken in the office action, and as such, Applicants assert that all such remaining and not discussed claim elements, all, also are distinguished over the prior art, including any

official notice taken in the office action, and explicitly reserve the opportunity to more particularly remark and distinguish such remaining claim elements at a later time should it become necessary. Further, any remarks that were made in response to an Examiner objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Examiner objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicants do not concede that any claim elements have been anticipated and/or rendered obvious by the cited reference. Accordingly, Applicants respectfully request allowance, and the reconsideration and withdrawal of the pending rejections.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17200-010CT1. In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17200-010CT1.

Respectfully Submitted,
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